

REMARKS

The Office Action dated December 15, 2008 was received and carefully reviewed.

By this response, claim 33 is amended to clarify the invention, and not for reasons of patentability. No claims have been canceled, and no new claims have been added. Accordingly, claims 1-36 remain pending in the subject application.

In view of the above amendments and the remarks set forth below, Applicants request reconsideration and allowance of the subject application.

Claim Rejections - 35 U.S.C. § 103

Claims 1-19, 21-24, 28, 29, and 32-36 stand rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by Suzuki (U.S. Patent No. 6,129,274) *Suzuki*, hereinafter). Claims 25-27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Suzuki* in view of Sehr (U.S. Patent No. 5,566,327) (*Sehr*, hereinafter). Claims 20, 30, and 31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Suzuki* in view of Freeman et al. (U.S. Patent No. 6,450,407 B1) (*Freeman*, hereinafter). Applicants traverse this rejection for at least the reasons set forth below.

Applicants respectfully submit that present independent claims 1, 33, and 35, and the claims dependent therefrom, are patently distinguishable over *Suzuki*, *Sehr*, and *Freeman*, since *Suzuki*, *Sehr* and *Freeman*, either taken alone or in combination, fail to disclose, teach or suggest all of the features recited in the pending claims. For example, independent claim 1 (emphasis added) recites:

A transaction system for use by a plurality of users, comprising:

a plurality of electronic tokens for storing and processing token transaction data and token reward data, each of said electronic tokens for use by a respective user;

a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time; and

a plurality of user interaction devices for communicating with said server, at least one of which is provided with a token acceptor device for reading from and writing to said tokens;

wherein said server transaction data and said token transaction data are indicative of at least one transaction and said server and token

reward data are indicative of rewards or entitlements earned or otherwise awarded, and said system is operable to transfer, for a respective token, server reward data from said server to said respective token and token reward data from said respective token to said server by means of said user interaction device provided with a token acceptor device, whereby said rewards or entitlements are redeemable either according to reward data stored on said token or according to reward data stored on said server.

Independent claim 33 (emphasis added) recites:

A computer-implemented method for performing transactions by a plurality of users, comprising:

providing a plurality of electronic tokens for storing and processing token transaction data and token reward data, each of said electronic tokens for use by a respective user;

providing a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time; and

providing a plurality of user interaction devices for communicating with said server, at least one of which is provided with a token acceptor device for reading from and writing to said tokens;

wherein said server transaction data and said token transaction data are indicative of at least one transaction and said server and token reward data are indicative of rewards or entitlements earned or otherwise awarded, and said system is operable to transfer, for a respective token, server reward data from said server to said respective token and token reward data from said respective token to said server by means of said user interaction device provided with a token acceptor device, whereby said rewards or entitlements are redeemable either according to reward data stored on said token or according to reward data stored on said

Independent claim 35 (emphasis added) recites:

A transaction system for use by a plurality of users, comprising:

a plurality of electronic tokens for storing and processing token activity data and token reward data, each of said electronic tokens for use by a respective user;

a computer server for storing and processing server activity data and server reward data associated with each of said respective tokens in real-time; and

a plurality of user interaction devices for communicating with said server, at least one of which is provided with a token acceptor device for reading from and writing to said tokens;

wherein said server activity data and said token activity data are indicative of at least one activity and said server and token reward data are indicative of rewards or entitlements earned or otherwise awarded, and said system is operable to transfer, for a respective token, server reward data from said server to said respective token and token reward data from said respective token to said server by means of said user interaction device provided with a token acceptor device, whereby said rewards or entitlements are redeemable either according to reward data

stored on said token or according to reward data stored on said server.

Thus, independent claims 1 and 35 are directed to, *inter alia*, the feature a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time. Independent claim 33 is directed to, *inter alia*, the feature of providing a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time.

Applicants contend that neither *Suzuki*, *Sehr*, and *Freeman*, taken either alone or in combination, disclose, teach, or suggest the feature a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time, as recited in present independent claims 1 and 35. Additionally, neither *Suzuki*, *Sehr*, nor *Freeman*, taken either alone or in combination, disclose, teach, or suggest the feature of providing a computer server for storing and processing server transaction data and server reward data associated with each of said respective tokens in real-time, as recited in present independent claim 33.

As seen on page 5 of the Office Action, the Examiner correctly admits that “Suzuki does not specifically disclose that the central computer system is updated in *real time*”. However, the Examiner alleges that Suzuki does disclose storing customer transaction information in real time...[t]herefore it would have been obvious to one having ordinary skill in the art at the time of the invention to enable a computer server to store data in real time because the concept of real time storage and retrieval of data on computational systems was known and disclosed by Suzuki”. The Examiner cites column 3, line 56, column 6, line 26, and column 8, line 25 of *Suzuki* as allegedly rendering this feature obvious (see the Office Action, e.g., page 5).

However, column 3, lines 54-63 (emphasis added) of *Suzuki* actually recites:

Accordingly, there exists a need for an electronic, computerized system that is able to collect and store customer transaction history information in real-time and make that information available to a department store or chain store POS, or other in-store terminal, such that a customer's transaction history data is always up-to-date. Such a system should be *easily portable by a customer* and easily accessible to a POS, or other

in-store terminal so that transaction history information may be read therefrom and/or written thereto at the instant a transaction is consummated.

Further, column 6, lines 21-30 (emphasis added) of *Suzuki* actually recites:

The system and method according to the invention provides a customer with a *convenient, transportable means for conveying accurate shopping transaction data from point-to-point in a multi-department retail store or between stores in a chain store*. Access to real-time customer transaction information allows a retail facility to use a customer's latest transaction information for promotional purposes and/or providing prompt, effective personalized recommendation services to a customer considering a transaction.

Column 8, lines 15-29 (emphasis added) of *Suzuki* actually recites:

It will be appreciated that a retail store equipped with the system and method of the present invention, is able to provide a significantly enhanced degree of personalized service to customers that make their purchase transactions using such an ID card. Customer loyalty is promoted and enhanced by providing an effective means for immediately allocating incentive award points, store coupons, and the like, upon a purchase without having to wait until the next batch process upload in order to update a particular customer's transaction history information. In addition, such a system and method provides for an effective, real-time collection of recent purchase data so that the promotional recommendations and compatibility evaluations can be performed with respect to purchase decisions contemplated during subsequent shopping activities.

As seen above, the notion of “real-time” updating and retrieval of information in *Suzuki* is exclusively tied to the “transportable ID card” to solve the problem of a customer's most recent transactions not being “accessible to a retail store's POS, or other in store terminal because of lag time between a customer transaction and *the next scheduled batch process which updates each customer's file and makes the transaction history available to all of the other systems in the network*” (see *Suzuki*, e.g., col. 2, lns. 49-57, emphasis added). As opposed to the present invention, which specifically recites a computer server, or providing a computer server, for storing and processing server activity data and server reward data associated with each of said respective tokens in real-time, as recited in present independent claims 1, 33, and 35.

Furthermore, the system as disclosed by *Suzuki* is specifically used so that “[i]f a customer is visiting multiple stores or multiple departments within a store **during the time period between batch processes**, the store is able to evaluate that customer’s immediate transaction history information in order to allocate loyalty or incentive points, award in-store coupons, and the like, all by merely reading and writing information from and to the ID card at a POS terminal” (see *Suzuki*, e.g., col. 6, ln. 67 through col. 7, ln. 6).

Thus, *Suzuki* does not contemplate storing and processing server activity data and server reward data associated with each of said respective tokens in real-time, as in the present invention. Rather, *Suzuki* discloses updating a customer’s immediate transaction history information **during the time period between batch processes** “by merely reading and writing information from and to the ID card at a POS terminal” (see *Suzuki*, e.g., col. 6, ln. 67 through col. 7, ln. 6). Thus, one of ordinary skill in the art at the time the present invention was made would not have looked to the disclosure of *Suzuki* to arrive at the presently claimed invention.

Moreover, *Suzuki* teaches conventional 1-way uploading of transactions from a POS terminal to a central computer system during a **batch process** at some later time after the transaction has taken place, whereas the present invention is directed to a 2-way transfer of data between a server and a customer’s token that happens in real-time (see the present specification, e.g., page 17, lns. 8-13; page 19, lns. 32-34; page 20, ln. 22 through page 21, ln. 15; and page 22, lns. 20-23).

Further, the present invention recites that the transfer of reward data, which includes details of entitlements awarded for each transaction, entitlements redeemed, and balance information of entitlements, in addition to transaction data. *Suzuki*, however, merely discloses the transfer of transaction data only (see *Suzuki*, e.g., col. 12, lns. 5-7).

For at least the reasons stated above, *Suzuki* fails to anticipated or render obvious all the features of the invention, as presently claimed. Further, Applicants respectfully submit that neither *Sehr* nor *Freeman* make up for the deficiencies of *Suzuki*. Therefore, the Examiner has failed to provide a *prima facie* case obviousness with regard to independent claims 1, 33, and 35.

Accordingly, Applicants request the withdrawal of the rejection, and the allowance of independent claims 1, 33, and 35.

Claims 2-32, 34 and 36 are allowable at least by virtue of their dependency from one of the independent claims, but also because they are distinguishable over the prior art. Thus, these claims are in condition for allowance, and Applicants request withdrawal of this rejection.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney/agent to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Date: February 20, 2009

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